

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In re:

AHMED A. ZAYAT,

Debtor.



Order Filed on August 19, 2022

by Clerk

U.S. Bankruptcy Court

District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

Chapter 7

Honorable Vincent F. Papalia, U.S.B.J.

Case No. 20-20387 (VFP)

Hearing Date: N/A

**STIPULATION AND CONSENT ORDER FURTHER EXTENDING TIME TO FILE
A COMPLAINT OBJECTING TO DISCHARGE**

The relief set forth on the following pages, numbered two (2) through nine (9) is hereby
ORDERED.

DATED: August 19, 2022

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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THIS STIPULATION AND CONSENT ORDER (the “Stipulation”) is made and entered into by and between Donald V. Biase, Esq., the Chapter 7 Trustee (the “Trustee”) for the bankruptcy estate of Ahmed A. Zayat (the “Debtor”) and the Debtor, by and through their counsel.

WHEREAS, on September 8, 2020, the Debtor filed a voluntary Chapter 7 petition for Bankruptcy.

WHEREAS, on December 3, 2020, the Trustee filed a motion to extend the Trustee’s time to object to discharge.

WHEREAS, on February 3, 2021, the Court entered an Order extending the time for the Trustee to object to discharge pursuant to 11 U.S.C. § 727 until March 1, 2021.

WHEREAS, on March 1, 2021, the Trustee filed a motion to further extend the Trustee’s time to object to discharge.

WHEREAS, on March 31, 2021 the Court entered an Order further extending the time for the Trustee to object to discharge pursuant to 11 U.S.C. § 727 until April 30, 2021.

WHEREAS, on April 30, 2021, the Trustee filed a motion to further extend the Trustee’s time to object to discharge.

WHEREAS, on June 16, 2021 the Court entered an Order further extending the time for the Trustee to object to discharge pursuant to 11 U.S.C. § 727 until June 29, 2021.

WHEREAS, on June 29, 2021, the Trustee filed a motion to further extend the Trustee’s time to object to discharge;

WHEREAS, on July 19, 2021, the Trustee and the Debtor, through their counsel, reached

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an agreement to further extend the Trustee's time to object to discharge pursuant to 11 U.S.C. § 727 an additional 60 days to August 28, 2021;

WHEREAS, on July 30, 2021, the Court entered the Stipulation and Consent Order Further Extending Time to File A Complaint Objecting to Discharge, 11 U.S.C. § 727 an additional 60 days to August 28, 2021, superseding the July 28, 2021 Order, Docket Entry No. 206, entered in error;

WHEREAS, on July 30, 2021, the Court entered the Stipulation and Consent Order Further Extending Time to File A Complaint Objecting to Discharge, 11 U.S.C. § 727 an additional 60 days to August 28, 2021;

WHEREAS, on August 23, 2021 the Trustee and the Debtor, through counsel, agreed to an additional 30-day extension of the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 through and including September 27, 2021;

WHEREAS, on September 8, 2021 the Court entered the Stipulation and Consent Order Further Extending Time to File A Complaint Objecting to Discharge, 11 U.S.C. § 727 an additional 30 days to September 27, 2021;

WHEREAS, on September 23, 2021 the Trustee and the Debtor, through counsel, agreed to an additional 45-day extension of the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 through and including November 11, 2021;

WHEREAS, on October 7, 2021 the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 an additional 45 days to November 11, 2021;

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WHEREAS, the Trustee and the Debtor, through counsel, agreed to an additional 7-day extension of time to of the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 through and including November 18, 2021;

WHEREAS, on November 18, 2021, the Trustee the Trustee filed a motion to further extend the Trustee's time to object to discharge;

WHEREAS, on December 7, 2021 the Debtor filed a partial opposition to the Trustee's motion to further extend the Trustee's time to object to discharge;

WHEREAS, the parties, through their counsel, adjourned the Trustee's motion to object to further extend the Trustee's time to object to discharge; and

WHEREAS, the parties agreed to dates for the Debtor, Sherif El Zayat and Joanne Zayat to appear for a R. 2004 deposition by the Trustee's Special Counsel;

WHEREAS, the Trustee and the Debtor, through counsel, agreed to an additional 45-day extension of time to of the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 through and including March 31, 2022, without further extensions of time to object to the Debtor's discharge except if the Debtor, Sherif El Zayat or Joanne Zayat did not appear for their scheduled R. 2004 deposition by the Trustee's Special Counsel;

WHEREAS, on February 18, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 an additional 45 days to March 31, 2022;

WHEREAS, after the Trustee's scheduled R. 2004 depositions were conducted, the parties, through their counsel, engaged in settlement negotiations including a potential settlement

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which would resolve outstanding actions or potential actions against the Debtor and various Zayat family members by the Trustee, the Chapter 7 trustee for Zayat Stables, LLC and MGG Investment Group; and

WHEREAS, the Trustee and the Debtor agreed to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 through and including April 26, 2022;

WHEREAS, on March 30, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 to April 26, 2022;

WHEREAS, the Trustee and the Debtor agreed to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 for an additional 14-days through and including May 10, 2022 to continue settlement negotiations;

WHEREAS, on April 21, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 to May 10, 2022;

WHEREAS, the Debtor and Trustee agreed to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 for an additional 7-days through and including May 17, 2022 to continue settlement negotiations;

WHEREAS, on May 10, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 to May 17, 2022;

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WHEREAS, the Trustee and Debtor agreed upon terms of a settlement resolving outstanding actions and/or potential actions against the Debtor and various Zayat family members by the Trustee, therefore, the Trustee and the Debtor agree to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 for an additional 6-days through and including May 23, 2022 to allow the parties to reduce the settlement terms to a formal written agreement;

WHEREAS, on May 17, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 to May 23, 2022;

WHEREAS, the Trustee and the Debtor agree to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 for an additional 4-days through and including May 27, 2022 to allow the parties to complete the process of reducing the settlement terms to a formal written agreement acceptable to the Trustee, the Debtor and the various Zayat family;

WHEREAS, on May 23, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 to May 27, 2022;

WHEREAS, while the Trustee, the Debtor and various Zayat family members were in the process of signing the formal settlement agreement detailing the terms of the settlement between the parties, upon receipt of all signatures on this settlement agreement, the Trustee and the Debtor agreed to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727

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for an additional 34-days through and including June 30, 2022 to allow the Trustee's counsel to file a R. 9019 Motion to obtain the Court's approval of the settlement between the parties;

WHEREAS, on May 27, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 to June 30, 2022;

WHEREAS, on June 6, 2022, the Trustee's counsel filed a R. 9019 Motion [Doc. 375] to approve the proposed settlement between the Trustee, the Debtor and various Zayat family members (the "Settlement"), which is currently scheduled for July 19, 2022;

WHEREAS, the terms of the Settlement includes a provision that the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 shall be tolled until the effective date of the Settlement;

WHEREAS, on June 23, 2022, counsel for the Trustee, the Debtor, the various Zayat family members, the Chapter 7 Trustee for Zayat Stables, LLC (the "Stables Trustee") and creditor MGG Investment Group LP ("MGG") participated in mediation on a possible global settlement;

WHEREAS, on June 23, 2022, the Debtor, the various Zayat family members, the Stables Trustee and MGG (the "Global Settlement Parties") reached a global settlement resolving all pending and potential litigation between the parties;

WHEREAS, the Trustee adjourned his R. 9019 Motion to approve the Settlement to August 9, 2022 to allow this motion to be considered by the Court at the same time as R. 9019 Motions to approve the settlement(s) reached by the Global Settlement Parties;

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WHEREAS, pursuant to the terms of the Settlement, the Trustee and the Debtor agree to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 for an additional 62-days through and including August 31, 2022;

WHEREAS, on June 29, 2022, the Court entered the Stipulation and Consent Order Further Extending Time To File A Complaint Objecting to Discharge, 11 U.S.C. § 727 to August 31, 2022; and

WHEREAS, counsel for the Trustee and the Global Settlement Parties agreed to further adjourn the Trustee's R. 9019 Motion to August 23, 2022 to provide the Global Settlement Parties with additional time to address any outstanding issues and file the appropriate motions to approve the settlement reached by the Global Settlement Parties; and

WHEREAS, pursuant to the terms of the Settlement, the Trustee and the Debtor agree to extend the Trustee's deadline to object to discharge pursuant to 11 U.S.C. §727 for an additional 30-days through and including September 30, 2022;

THEREFORE, in consideration of the foregoing and subject to the approval of this Court, the Trustee and the Debtor hereby stipulate and agree as follows:

1. The Trustee's time to file a complaint objecting to the Debtor's discharge pursuant to 11 U.S.C. § 727 be and the same hereby is extended through and including September 30, 2022 or such earlier date as all matters are resolved between the Trustee and the Debtor and all terms of the Settlement Agreement between them are complied with; and

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2. That a copy of this Order shall be served upon the Debtor and all parties in interest.

STIPULATED TO, CONSENTED TO, AND AGREED BY:

Hook & Fatovich, LLC
Counsel to the Chapter 7 Trustee

Levitt & Slafkes, P.C.
Counsel to Ahmed A. Zayat

By: /s/ Milica A. Fatovich
Milica A. Fatovich, Esq.

By: /s/ Bruce Levitt
Bruce Levitt, Esq.

Dated: August 17, 2022

Dated: August 16, 2022